



The Gazette of India

PUBLISHED BY AUTHORITY

No. 2] NEW DELHI, SATURDAY, JANUARY 14, 1961/PAUSA 24, 1882

PART II—Section 4

Statutory Rules and Orders issued by the Ministry of Defence

MINISTRY OF DEFENCE

S.R.O. 1, dated 4th Jan. 1961.—In exercise of the powers conferred by the proviso to Article 309 of the Constitution, the President hereby makes the following rules to amend the Civilians in Defence Services (Classification, Control and Appeals) Rules, 1952, namely:—

1. These rules may be called the Civilians in Defence Services (Classification, Control and Appeal) Amendment Rules, 1961.

2. In the Civilians and Defence Services (Classification, Control and Appeal) Rules, 1952, for rule 10, the following rule shall be substituted, namely:—

“10. All first appointments to—

(1) Class I and Class II Services shall be made by the Government:

Provided that the Government may, by general or special order and subject to such conditions as it may specify, empower any other authority or officer to make appointments to Class II Services.

(2) Class III and Class IV Services shall be made by the authorities specified in column 3 of Schedule IV in respect of posts mentioned against them or by officers empowered in this behalf by such authorities.”

A. KRISHNASWAMY AIYENGAR, Dy. Secy.

S.R.O. 2, dated 4th Jan. 1961.—In exercise of the powers conferred by sub-section (1) of section 4 of the Army Act, 1950 (46 of 1950), the Central Government hereby rescinds the notification of the Government of India in the Ministry of Defence No. SRO 133, dated the 22nd July, 1950.

S.R.O. 3, dated 4th Jan. 1961.—In exercise of the powers conferred by section 8 of the Army Act, 1950 (46 of 1950), the Central Government hereby rescinds the notification of the Government of India in the Ministry of Defence No. SRO 421, dated the 26th September, 1953.

S. DEVANATH, Dy. Secy.

S.R.O. 4, dated 2nd Jan. 1961.—In pursuance of sub-section (7) of section 18 of the Cantonments Act, 1924 (2 of 1924), the Central Government is pleased to notify that a vacancy has occurred in the Cantonment Board, Agra by reason of the acceptance by the Central Government of the resignation of Shri Vats Prem Sharma, City Magistrate.

[No. 19/17/G/L&C/54/3282-G/D(C&L).]

S.R.O. 5, dated 2nd Jan. 1961.—In pursuance of sub-section (7) of section 13 of the Cantonments Act, 1924 (2 of 1924), the Central Government is pleased to notify that Shri P. P. Khanna, City Magistrate, has been nominated by the District Magistrate, Agra, as a member of the Cantonment Board, Agra, in exercise of the powers conferred under section 13(3)(b) *ibid* vice Shri Vats Prem Sharma, City Magistrate resigned.

[No. 19/17/G/L&C/54/3282-G/D(C&L).]

DEHU ROAD—CANTONMENT BYE-LAWS—RECOVERY OF TAXES

S.R.O. 6, dated 2nd Jan. 1961.—The following bye-laws for regulating the collection and recovery of the tax on vehicles and animals (other than cycles, tricycles and cycle-Rickshaws) kept for use within the limits of the Dehu Road Cantonment, made by the Cantonment Board, Dehu Road, in exercise of the powers conferred by clause (3) of section 282 and section 283 of the Cantonments Act, 1924 (2 of 1924), are published for general information, the same having been previously published, and having been approved and confirmed by the Central Government, as required by sub-section (1) of section 284 of the said Act, namely:—

BYE-LAWS REGULATING THE COLLECTION OF TAXES ON VEHICLES AND ANIMALS (OTHER THAN CYCLES, TRICYCLES, CYCLE-RICKSHAWS).

1. *Definition.*—In these bye-laws vehicles and animals mean vehicle and animals specified in Ministry of Defence S.R.O. No. 270, dated the 28th September, 1959 published in the Gazette of India, Part II Section 4, dated the 10 October, 1959, but do not include cycles, tricycles and cycle-Rickshaws.

2. *Persons liable to the tax on vehicles and animals.*—Every person who keeps any vehicle or animals for use, whether he be the owner therof or a person who hires it, or has the loan of it or has charge of it in any other capacity unless otherwise exempted shall be deemed to be the person liable to be assessed to the tax on vehicles and animals.

3. *Register of taxes on vehicles and animals to be kept.*—(1) The Board shall cause to be prepared once a year, a register showing the names of persons liable to be assessed to the tax on vehicles and animal, which shall *inter alia* contain the following particulars, namely:—

- (a) the name and residential address of the person who keeps the vehicle or animal, and the name and address of the owner if the former is not the owner of such vehicle or animal;
- (b) the description of vehicles or animals in respect of which they are respectively liable to the said tax.
- (c) the amount of tax for which each such person is assessed for each quarter of the year;
- (d) the amount of the said tax, if any, remitted in each quarter.

4. *Return may be called for from persons supposed to be liable to the tax.*—To enable him to have such register prepared, the Executive Officer shall send to every person supposed to be liable to pay either or both of the said taxes a schedule to be filled up by such person with such information in respect of the vehicles and animals kept by him or in his charge, as the Board thinks necessary, for the purpose of assessment and to be returned duly completed by him within one week after the receipt thereof.

5. *Persons bound to furnish information.*—Every person to whom any such schedule is sent shall be bound to fill in and return the same as required whether he be liable to be assessed to the tax or not.

6. *Notice to be given by a person who becomes possessed of any vehicle or animal for the first time.*—Every person who becomes possessed of any vehicle or animal in respect of which he is liable for the first time to pay the tax shall, within fifteen days of his becoming possessed of the same, be bound to give notice thereof in writing to the Executive Officer.

7. *Power to inspect stables, etc., and summon person liable to the tax.*—The Executive Officer, or any person authorised by him in this behalf, may:—

- (a) at any time between sunrise and sunset enter and inspect any stable or coach-house or any place in which he may have reason to believe that any vehicle or animal in respect thereof the tax is leviable is kept in order to ascertain the number and description of such animals and vehicles;
- (b) summon any person whom he has reason to believe to be liable to be assessed for payment of the said tax, or any servant of any such person, and examine such person or servant as to his liability to be assessed for the tax and as to the number and description of the vehicles or animals, if any, in respect of which such person is so liable and every person so summoned shall be bound to attend before the Executive Officer and shall give information true to the best of his knowledge or belief, as to the said matters.

8. *Inspection of the Register.*—Every person whose name is entered in the Register referred to in bye-law 3 or the agent of any such person, may be permitted free of charge to inspect the entry which relates to such person in the said register and take extracts thereof.

Any person not entitled to inspect or to take extracts from any portion of the said register free of charge may be permitted to do so on payment of such fee as shall from time to time be prescribed in this behalf by the Board.

9. *Liability to the tax how assessed.*—If one and the same vehicle or animal is kept for use in any quarter by two or more different persons, such person who so keeps the vehicles or animals for more than fifteen days shall be assessed to the said tax; Provided that if a vehicle or animal is kept for use by several different persons, other than the owner thereof, consecutively in one quarter and all or some of such persons are not liable to the said tax owing to the vehicle or animal not having been kept for more than 15 days, the owner shall be assessed to the quarter's tax or the portion thereof not recoverable from such persons, as the case may:

Provided further that the aggregate of the sums recovered from any two or more persons for any one quarter in respect of any one and the same vehicle or animal, shall not exceed the full amount of the said tax leviable for that quarter in respect of such vehicle or animal.

10. *Taxes when payable.*—(1) The taxes on vehicle shall be payable in advance as follows, namely:—

For the first quarter from 1st April to 30th June, not later than the 1st day of May.

For the second quarter from the 1st July to 30th September, not later than the 1st day of August.

For the third quarter from the 1st October to 31st December, not later than the 1st day of November.

For the fourth quarter from the 1st January to 31st March, not later than the 1st day of February.

(2) The tax on animals shall be payable in one lump sum not later than the 1st day of May of each year.

11. *Receipt for tax paid.*—For all sums paid on account of the tax and other charges pertaining to the recovery of the tax a receipt stating the animal or vehicle and the amount of the tax paid, shall be tendered by the person receiving the same.

12. *Issue of tokens.*—On payment of the tax a token will be issued by the Executive Officer. The token shall indicate the period for which it is current and shall bear consecutive numbers. The token shall be affixed on some conspicuous part of the vehicle and in the case of animals be tied to the neck of the animal.

13. *Issue of duplicate tokens.*—If the token issued in respect of a vehicle or animal is lost or mutilated another token may be issued on payment of such cost as may be fixed by the Board on production of such proof as may be required by the Executive Officer.

14. *Issue of fresh tokens on the expiry of the period, etc.*—On the expiry of the period specified in the token every owner or other person who is liable to pay the tax on a vehicle or an animal shall apply to the Executive Officer for issue of a new token within one week of the date of expiry in such form as may be approved by the Board.

15. *Procedure in case of non-payment of tax.*—(i) If the tax payable in respect of any vehicle or animal is not paid as aforesaid by any person liable to pay the tax, the Executive Officer may cause to be distrained the vehicle or animal for which the tax is due or any moveable property in the possession of such person of sufficient value to defray the tax and other charges arising out of non-payment of the tax.

(ii) If the tax and the charges, if any, incurred on account of the distress remain unpaid for seven days after the seizure, the Executive Officer may cause the vehicle or an animal or any moveable property so seized to be sold by public auction and the proceeds shall be devoted to the discharge of the said tax and all expenses incurred on account of the non-payment of the tax and of the distress and sale. Any surplus remaining shall be paid to the defaulter on application.

16. *Claim for refund.*—All applications for refunds falling due in any quarter shall be made on or before the last day of such quarter.

17. *Executive Officer to sign refund order.*—Every order of payment of refund shall be written on a bill signed by the Executive Officer.

18. *Penalty.*—Any contravention of the aforesaid bye-laws shall be punishable with fine which may extend to fifty rupees.

SCHEDULE TO S.R.O. 6, dated 2nd Jan. 1961

Dehu road cantonment

Wheel and animal tax demand and

Collection Register for

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S.R.O. 7, dated 3rd Jan. 1961.—In pursuance of the provisions of sub-section (7) of section 13 of the Cantonments Act, 1924 (2 of 1924), the Central Government is pleased to notify the election of the following persons to the Cantonment Board, Jabalpur, from the ward noted against each:—

1. Shri Shesha Rao Naidu—Ward No. I.
2. Shri Mohanlal—Ward No. II.
3. Shri Basant Bajpai—Ward No. III.
4. Shri Laxmi Narayan Mehrotra—Ward No. IV.
5. Shri Nemi Chand—Ward No. V.
6. Shri Chuni Lal Kapoor—Ward No. VI.
7. Shri Ramlal—Ward No. VII.

[No. 29|22|G|L&C|57-G|D(C&L).]

S.R.O. 8, dated 4th Jan. 1961.—In pursuance of sub-section (7) of section 13 of the Cantonments Act, 1924 (2 of 1924), the Central Government is pleased to notify the election of the following persons to the Cantonment Board, Saugor, from the ward noted against each:—

1. Shri Shiv Shanker—Ward No. I.
2. Shri Krishna Kumar—Ward No. II.
3. Shri Ramcharan—Ward No. III (General Seat).
4. Shri Damrilal—Ward No. III (Reserved Seat).
5. Shri Moti Lall—Ward No. IV.
6. Shri Surat Singh—Ward No. V.
7. Shri Narayan Prasad—Ward No. VI.

[No. 29|9|G|L&C|57-G|D(C&L).]

S.R.O. 9, dated 4th Jan. 1961.—In pursuance of sub-section (7) of section 13 of the Cantonments Act, 1924 (2 of 1924), the Central Government is pleased to notify that a vacancy has occurred in the Cantonment Board, Ambala, by reason of the acceptance by the Central Government of the resignation of Lt. Col. Bawa Sunder Singh.

[No. 19|1|G|L&C|59-G|D(C&L).]

S.R.O. 10, dated 4th Jan. 1961.—In pursuance of sub-section (7) of section 13 of the Cantonments Act, 1924 (2 of 1924), the Central Government is pleased to notify the nomination of Lt. Col. V. S. Kapur, as a member of the Cantonment Board, Ambala, vice Lt. Col. Bawa Sunder Singh resigned.

[No. 19|1|G|L&C|59-G|D(C&L).]

S.R.O. 11, dated 4th Jan. 1961.—In pursuance of sub-section (7) of section 13 of the Cantonments Act, 1924 (2 of 1924), the Central Government is pleased to notify the election of the following persons to the Cantonment Board, Belgaum, from the ward noted against each:—

1. Shri Desai Dinkar Waman—Ward No. I.
2. Shri Subayya P. S.—Ward No. II.
3. Shri Welling Shashikumar Chandrakant—Ward No. III.
4. Shri Betkekar Vasant Ramachandra—Ward No. IV (General Seat).
5. Shri Bhoge Kullayya Dasappa—Ward No. IV (Reserved Seat).
6. Shri Khan Rajehamed Rajmannu—Ward No. V.
7. Shri Fernandes John Domnick—Ward No. VI.

[No. 29|9|G|L&C|57-G|D(C&L).]

PRITAM SINGH, Under Secy.